

**REMARKS**

Reconsideration of the subject application is respectfully requested in light of the comments which follow.

Claims 2-19, 21-64, 66-81 and 84-86 were pending in this application. In this response, claims 11, 48, and 80 are amended, and no claim is canceled or added. Thus, claims 2-19, 21-64, 66-81 and 84-86 remain pending.

***CLAIM REJECTIONS UNDER 35 U.S.C. §103***

Claims 2-19, 21-64, 66-5, 79-81 and 84-86 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 4,833,618 to Verma et al. (hereinafter “*Verma*”) in view of U.S. Patent Application Publication 2002/0018545 to Crichlow (hereinafter “*Crichlow*”) and further in view of U.S. Patent No. 6,842,706 to Baraty (hereinafter “*Baraty*”) for the reasons presented at pages 2-8 of the Official Action.

Applicants respectfully traverse the rejection. Claims 11 and 48 each recite “installing at least one sensor and microprocessor in or near at least one metering device.” Further, claims 11 and 48 recite that readings collected from the at least one sensor are stored “in a coded format in the microprocessor,” and then transmitted “from the microprocessor to a communication unit installed in or near property of a consumer.” None of the cited references, *Verma*, *Crichlow*, or *Baraty*, disclose a microprocessor being installed with the at least one sensor in or near at least one consumption metering device that stores readings from the at least one sensor in a coded format before transmitting the coded readings to a separate communication unit in or near property of a consumer. In contrast to the claimed system, the systems of *Verma* and *Baraty* each disclose transmitting the sensor information directly to the apparatus that the Examiner

considers to be a communication unit. There is no step of storing the readings in coded format at a microprocessor at the metering device prior to transmitting the collected, coded, and stored data to the communication unit. Although *Crichlow* discloses forming data packets by storing data in the meter reading module by a buffering system or memory chip, *Crichlow* fails to disclose a microprocessor or storing and transmitting the data in a coded format. Therefore, at least because none of the cited references disclose at least these elements, no combination of the references would render claims 11 and 48 obvious.

Claims 11 and 48 further recite “wherein the communication unit displays the current kilowatt hour sales price communicated from the at least one communication center at any given time.” *Verma*, *Crichlow*, and *Baraty* at least further fail to disclose at least this element in combination with the other elements of claims 11 and 48. *Verma* explicitly discloses that the RDU only receives a call from the UDP during the “answer window” (*see, e.g.*, col. 2, ll. 37-39). Thus, the RDU would not be able to display current kilowatt hour sales prices communicated from the UDP at any given time. Further, *Verma* and *Baraty* are silent to creating charging zones with different kilowatt hour sales prices depending on the hour of the day. Therefore, it would not have been obvious to display current kilowatt hour sales prices in either system, at least because the sales prices are not changing on a real-time basis. Finally, although the Examiner alleges that *Crichlow* discloses real-time pricing and the ability to output kilowatt hour forecasting by hour of the day, *Crichlow* fails to disclose displaying the current kilowatt hour sales price communicated from the at least one communication center at any given time.

In contrast to the forecasting graphs disclosed in *Crichlow*, having real-time sales pricing available at any given time, allows a consumer to adjust usage in real time. For example, if there is a spike of energy use, the utility company via the communication center can establish and

transmit to communication units an extremely high kilowatt hour sales price for that moment. The extremely high price displayed on the communication unit in real time enables consumers to cut their electricity use immediately to cut their cost exposure, which will lower the demand from users on the utility company supply, thus easing the energy spike. *See, e.g.*, col. 2, ll. 41-42 of the U.S. Patent Application Publication of the instant application. *Crichlow* fails to disclose this capability, at least because *Crichlow* fails to disclose a communication unit that displays the current kilowatt hour sales price communicated from the at least one communication center at any given time. Therefore, at least because none of the cited references disclose at least this element, no combination of the references would render claims 11 and 48 obvious.

Thus, for at least these reasons, no *prima facie* case of obviousness has been established. Dependent claims 2-10, 12-19, 21-47, 49-64, and 85-86, which depend from claims 11 and 48, respectively, are also not obvious for at least the reasons for claims 11 and 48. For at least these reasons the rejection should be withdrawn.

Further, claim 80 recites a system that can implement the methods of claims 11 and 48, at least by including a microprocessor with means for storing readings in a coded format and transmitting the coded readings to a communication unit. Further, the system of claim 80 includes a communication center at least having means to transmit current kilowatt hour sales price to a communication unit for display, and a communication unit at least having means to display current kilowatt hour sales price. As shown above, *Verma*, *Crichlow*, and *Baraty* each fail to disclose each of these elements. Therefore, claim 80 is unobvious over the combination of *Verma*, *Crichlow*, and *Baraty* at least because the combination fails to disclose or render obvious all of the elements of claim 80 as discussed above. Additionally, claim 80 is not obvious over the combination of references for additional reasons similar to the reasons for claims 11 and 48.

Thus, no *prima facie* case of obviousness has been established for the system of claim 80. Dependent claims 66-75, 79, 81 and 84, which depend from claim 80, are also not obvious for at least the reasons for claim 80. For at least these reasons the rejection should be withdrawn.

Claims 76-78 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Verma* in view of *Crichlow* and in further view of U.S. Patent No. 5,559,894 to Lubliner et al. (hereinafter “*Lubliner*”) for the reasons presented at pages 9-10 of the Official Action.

Applicants respectfully traverse these rejections. Claims 76-78 each depend on claim 80. As presented above, *Verma*, *Crichlow*, and *Baraty* at least fail to disclose all of the elements of claim 80. *Lubliner* appears to be relied upon solely for additional elements recited in claims 76-78, and fails to remedy at least the deficiencies of *Verma*, *Crichlow*, and *Baraty* with regard to claim 80 as discussed above. Therefore, for at least this reason *Verma*, *Crichlow*, and *Lubliner* fail to teach all of the elements recited in claims 76-78. Accordingly, Applicants respectfully request withdrawal of the rejections.

**CONCLUSION**

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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